

§ 314(f)(1), (2), Nov. 6, 1978, 92 Stat. 2677; Pub. L. 103-322, title XXXIII, § 330016(1)(K), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

1948 ACT

Based on section 572a of title 28, U.S.C., 1940 ed., Judicial Code and Judiciary (Aug. 25, 1937, ch. 777, 50 Stat. 810.)

Words “upon conviction” were deleted as surplusage since punishment can be imposed only after a conviction.

A fine of “\$5,000” was substituted for “\$10,000” and “one year” for “five years”, to reduce the offense to the grade of a misdemeanor and the punishment to an amount and term proportionate to the gravity of the offense.

Minor changes were made in phraseology.

1949 ACT

This amendment [see section 4] clarifies section 155 of title 18, U.S.C., by restating the first paragraph thereof in closer conformity with the original law, as it existed at the time of the enactment of the revision of title 18.

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$5,000”.

1978—Pub. L. 95-598 substituted “cases under title 11 and receiverships” for “bankruptcy proceedings” in section catchline and in text “or case under title 11” for “, bankruptcy or reorganization proceeding”, inserted “knowingly and fraudulently” after “supervision,” and struck out penalty provision for a judge of a United States court to knowingly approve the payment of any fees or compensation that were fixed.

1949—Act May 24, 1949, inserted references to attorneys for any party in interest in three places, and substituted “in any United States court or under its supervision” for “in or under the supervision of any court of the United States”.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-598 effective Oct. 1, 1979, see section 402(a) of Pub. L. 95-598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

SAVINGS PROVISION

Amendment by section 314 of Pub. L. 95-598 not to affect the application of chapter 9 (§151 et seq.), chapter 96 (§161 et seq.), or section 2516, 3057, or 3284 of this title to any act of any person (1) committed before Oct. 1, 1979, or (2) committed after Oct. 1, 1979, in connection with a case commenced before such date, see section 403(d) of Pub. L. 95-598, set out as a note preceding section 101 of Title 11, Bankruptcy.

§ 156. Knowing disregard of bankruptcy law or rule

(a) DEFINITIONS.—In this section—

“bankruptcy petition preparer” means a person, other than the debtor’s attorney or an employee of such an attorney, who prepares for compensation a document for filing.

“document for filing” means a petition or any other document prepared for filing by a debtor in a United States bankruptcy court or a United States district court in connection with a case under this title.

(b) OFFENSE.—If a bankruptcy case or related proceeding is dismissed because of a knowing attempt by a bankruptcy petition preparer in any manner to disregard the requirements of title 11, United States Code, or the Federal Rules of

Bankruptcy Procedure, the bankruptcy petition preparer shall be fined under this title, imprisoned not more than 1 year, or both.

(Added Pub. L. 103-394, title III, §312(a)(1)(B), Oct. 22, 1994, 108 Stat. 4140.)

REFERENCES IN TEXT

The Federal Rules of Bankruptcy Procedure, referred to in subsec. (b), are set out in the Appendix to Title 11, Bankruptcy.

EFFECTIVE DATE

Section effective Oct. 22, 1994, and not applicable with respect to cases commenced under Title 11, Bankruptcy, before Oct. 22, 1994, see section 702 of Pub. L. 103-394, set out as an Effective Date of 1994 Amendment note under section 101 of Title 11.

§ 157. Bankruptcy fraud

A person who, having devised or intending to devise a scheme or artifice to defraud and for the purpose of executing or concealing such a scheme or artifice or attempting to do so—

(1) files a petition under title 11;

(2) files a document in a proceeding under title 11; or

(3) makes a false or fraudulent representation, claim, or promise concerning or in relation to a proceeding under title 11, at any time before or after the filing of the petition, or in relation to a proceeding falsely asserted to be pending under such title,

shall be fined under this title, imprisoned not more than 5 years, or both.

(Added Pub. L. 103-394, title III, §312(a)(1)(B), Oct. 22, 1994, 108 Stat. 4140.)

EFFECTIVE DATE

Section effective Oct. 22, 1994, and not applicable with respect to cases commenced under Title 11, Bankruptcy, before Oct. 22, 1994, see section 702 of Pub. L. 103-394, set out as an Effective Date of 1994 Amendment note under section 101 of Title 11.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1961 of this title.

CHAPTER 10—BIOLOGICAL WEAPONS

Sec.

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| 175. | Prohibitions with respect to biological weapons. |
| 175a. | Requests for military assistance to enforce prohibition in certain emergencies. |
| 176. | Seizure, forfeiture, and destruction. |
| 177. | Injunctions. |
| 178. | Definitions. |

AMENDMENTS

1996—Pub. L. 104-201, div. A, title XIV, §1416(c)(1)(B), Sept. 23, 1996, 110 Stat. 2723, added item 175a.

§ 175. Prohibitions with respect to biological weapons

(a) IN GENERAL.—Whoever knowingly develops, produces, stockpiles, transfers, acquires, retains, or possesses any biological agent, toxin, or delivery system for use as a weapon, or knowingly assists a foreign state or any organization to do so, or attempts, threatens, or conspires to do the same, shall be fined under this title or imprisoned for life or any term of years, or both.

There is extraterritorial Federal jurisdiction over an offense under this section committed by or against a national of the United States.

(b) DEFINITION.—For purposes of this section, the term “for use as a weapon” does not include the development, production, transfer, acquisition, retention, or possession of any biological agent, toxin, or delivery system for prophylactic, protective, or other peaceful purposes.

(Added Pub. L. 101-298, §3(a), May 22, 1990, 104 Stat. 201; amended Pub. L. 104-132, title V, §511(b)(1), Apr. 24, 1996, 110 Stat. 1284.)

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-132 inserted “or attempts, threatens, or conspires to do the same,” before “shall be fined under this title”.

SHORT TITLE

Section 1 of Pub. L. 101-298 provided that: “This Act [enacting this chapter and amending section 2516 of this title] may be cited as the ‘Biological Weapons Anti-Terrorism Act of 1989’.”

PURPOSE AND INTENT

Section 2 of Pub. L. 101-298 provided that: “(a) PURPOSE.—The purpose of this Act [see Short Title note above] is to—

“(1) implement the Biological Weapons Convention, an international agreement unanimously ratified by the United States Senate in 1974 and signed by more than 100 other nations, including the Soviet Union; and

“(2) protect the United States against the threat of biological terrorism.

“(b) INTENT OF ACT.—Nothing in this Act is intended to restrain or restrict peaceful scientific research or development.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 175a, 176, 177, 2332b, 2339A, 2516 of this title; title 10 section 382.

§ 175a. Requests for military assistance to enforce prohibition in certain emergencies

The Attorney General may request the Secretary of Defense to provide assistance under section 382 of title 10 in support of Department of Justice activities relating to the enforcement of section 175 of this title in an emergency situation involving a biological weapon of mass destruction. The authority to make such a request may be exercised by another official of the Department of Justice in accordance with section 382(f)(2) of title 10.

(Added Pub. L. 104-201, div. A, title XIV, §1416(c)(1)(A), Sept. 23, 1996, 110 Stat. 2723.)

§ 176. Seizure, forfeiture, and destruction

(a) IN GENERAL.—(1) Except as provided in paragraph (2), the Attorney General may request the issuance, in the same manner as provided for a search warrant, of a warrant authorizing the seizure of any biological agent, toxin, or delivery system that—

(A) exists by reason of conduct prohibited under section 175 of this title; or

(B) is of a type or in a quantity that under the circumstances has no apparent justification for prophylactic, protective, or other peaceful purposes.

(2) In exigent circumstances, seizure and destruction of any biological agent, toxin, or de-

livery system described in subparagraphs (A) and (B) of paragraph (1) may be made upon probable cause without the necessity for a warrant.

(b) PROCEDURE.—Property seized pursuant to subsection (a) shall be forfeited to the United States after notice to potential claimants and an opportunity for a hearing. At such hearing, the Government shall bear the burden of persuasion by a preponderance of the evidence. Except as inconsistent herewith, the same procedures and provisions of law relating to a forfeiture under the customs laws shall extend to a seizure or forfeiture under this section. The Attorney General may provide for the destruction or other appropriate disposition of any biological agent, toxin, or delivery system seized and forfeited pursuant to this section.

(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense against a forfeiture under subsection (a)(1)(B) of this section that—

(1) such biological agent, toxin, or delivery system is for a prophylactic, protective, or other peaceful purpose; and

(2) such biological agent, toxin, or delivery system, is of a type and quantity reasonable for that purpose.

(Added Pub. L. 101-298, §3(a), May 22, 1990, 104 Stat. 202; amended Pub. L. 103-322, title XXXIII, §330010(16), Sept. 13, 1994, 108 Stat. 2144.)

REFERENCES IN TEXT

The customs laws, referred to in subsec. (b), are classified generally to Title 19, Customs Duties.

AMENDMENTS

1994—Subsec. (b). Pub. L. 103-322 substituted “the Government” for “the government”.

§ 177. Injunctions

(a) IN GENERAL.—The United States may obtain in a civil action an injunction against—

(1) the conduct prohibited under section 175 of this title;

(2) the preparation, solicitation, attempt, threat, or conspiracy to engage in conduct prohibited under section 175 of this title; or

(3) the development, production, stockpiling, transferring, acquisition, retention, or possession, or the attempted development, production, stockpiling, transferring, acquisition, retention, or possession of any biological agent, toxin, or delivery system of a type or in a quantity that under the circumstances has no apparent justification for prophylactic, protective, or other peaceful purposes.

(b) AFFIRMATIVE DEFENSE.—It is an affirmative defense against an injunction under subsection (a)(3) of this section that—

(1) the conduct sought to be enjoined is for a prophylactic, protective, or other peaceful purpose; and

(2) such biological agent, toxin, or delivery system is of a type and quantity reasonable for that purpose.

(Added Pub. L. 101-298, §3(a), May 22, 1990, 104 Stat. 202; amended Pub. L. 104-132, title V, §511(b)(2), Apr. 24, 1996, 110 Stat. 1284.)

AMENDMENTS

1996—Subsec. (a)(2). Pub. L. 104-132 inserted “threat,” after “attempt,”.

§ 178. Definitions

As used in this chapter—

(1) the term “biological agent” means any micro-organism, virus, infectious substance, or biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance, or biological product, capable of causing—

(A) death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism;

(B) deterioration of food, water, equipment, supplies, or material of any kind; or

(C) deleterious alteration of the environment;

(2) the term “toxin” means the toxic material of plants, animals, microorganisms, viruses, fungi, or infectious substances, or a recombinant molecule, whatever its origin or method of production, including—

(A) any poisonous substance or biological product that may be engineered as a result of biotechnology produced by a living organism; or

(B) any poisonous isomer or biological product, homolog, or derivative of such a substance;

(3) the term “delivery system” means—

(A) any apparatus, equipment, device, or means of delivery specifically designed to deliver or disseminate a biological agent, toxin, or vector; or

(B) any vector;

(4) the term “vector” means a living organism, or molecule, including a recombinant molecule, or biological product that may be engineered as a result of biotechnology, capable of carrying a biological agent or toxin to a host; and

(5) the term “national of the United States” has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

(Added Pub. L. 101-298, §3(a), May 22, 1990, 104 Stat. 202; amended Pub. L. 104-132, title V, §511(b)(3), title VII, §721(h), Apr. 24, 1996, 110 Stat. 1284, 1299.)

AMENDMENTS

1996—Par. (1). Pub. L. 104-132, §511(b)(3)(A), substituted “infectious substance, or biological product that may be engineered as a result of biotechnology, or any naturally occurring or bioengineered component of any such microorganism, virus, infectious substance, or biological product” for “or infectious substance” in introductory provisions.

Par. (2). Pub. L. 104-132, §511(b)(3)(B)(i), (ii), in introductory provisions, inserted “the toxic material of plants, animals, microorganisms, viruses, fungi, or infectious substances, or a recombinant molecule” after “means” and substituted “production, including—” for “production—”.

Par. (2)(A). Pub. L. 104-132, §511(b)(3)(B)(iii), inserted “or biological product that may be engineered as a result of biotechnology” after “poisonous substance”.

Par. (2)(B). Pub. L. 104-132, §511(b)(3)(B)(iv), inserted “or biological product” after “isomer”.

Par. (4). Pub. L. 104-132, §511(b)(3)(C), inserted “, or molecule, including a recombinant molecule, or bio-

logical product that may be engineered as a result of biotechnology,” after “organism”.

Par. (5). Pub. L. 104-132, §721(h), added par. (5).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2332a of this title.

CHAPTER 11—BRIBERY, GRAFT, AND CONFLICTS OF INTEREST

Sec.

201. Bribery of public officials and witnesses.

202. Definitions.

203. Compensation to Members of Congress, officers, and others in matters affecting the Government.

204. Practice in United States Court of Federal Claims or the United States Court of Appeals for the Federal Circuit by Members of Congress.

205. Activities of officers and employees in claims against and other matters affecting the Government.

206. Exemption of retired officers of the uniformed services.

207. Restrictions on former officers, employees, and elected officials of the executive and legislative branches.

208. Acts affecting a personal financial interest.

209. Salary of Government officials and employees payable only by United States.

210. Offer to procure appointive public office.

211. Acceptance or solicitation to obtain appointive public office.

212. Offer of loan or gratuity to bank examiner.

213. Acceptance of loan or gratuity by bank examiner.

214. Offer for procurement of Federal Reserve bank loan and discount of commercial paper.

215. Receipt of commissions or gifts for procuring loans.

216. Penalties and injunctions.

217. Acceptance of consideration for adjustment of farm indebtedness.

218. Voiding transactions in violation of chapter; recovery by the United States.

219. Officers and employees acting as agents of foreign principals.

[220 to 222. Renumbered.]

[223. Repealed.]

224. Bribery in sporting contests.

225. Continuing financial crimes enterprise.

AMENDMENTS

1994—Pub. L. 103-322, title XXXIII, §330010(12), Sept. 13, 1994, 108 Stat. 2144, substituted “officers, and others in” for “officers and others, in” in item 203 and inserted “the” after “Federal Claims or” in item 204.

1992—Pub. L. 102-572, title IX, §902(b)(1), Oct. 29, 1992, 106 Stat. 4516, substituted “United States Court of Federal Claims” for “United States Claims Court” in item 204.

1990—Pub. L. 101-647, title XXV, §2510(b), title XXXV, §3509, Nov. 29, 1990, 104 Stat. 4863, 4922, substituted “to Members” for “of Members” in item 203, substituted “United States Claims Court or United States Court of Appeals for the Federal Circuit” for “Court of Claims” in item 204, and added item 225.

1989—Pub. L. 101-194, title I, §101(b), title IV, §407(b), Nov. 30, 1989, 103 Stat. 1724, 1753, substituted “Restrictions on former officers, employees, and elected officials of the executive and legislative branches” for “Disqualification of former officers and employees; disqualification of partners of current officers and employees” in item 207 and added item 216.

1984—Pub. L. 98-473, title II, §1107(b), Oct. 12, 1984, 98 Stat. 2146, substituted “Repealed” for “Receipt or